

09/528,465

**DOCUMENT O**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

Case No. BC 230 326

---

CONTINUED VIDEO DEPOSITION OF HOWARD I. GRAPEK  
Volume II May 8, 2001

---

MANHATTAN SOFTWARE, INC., a  
California corporation, and  
STEVEN R. MITCHELL, an  
Individual,

Plaintiffs,

vs.

JEAN KASEM, an Individual,  
and LITTLE MISS LIBERTY  
ROUND CRIB COMPANY, INC., a  
California Corporation, and  
LITTLE MISS LIBERTY OF  
BEVERLY HILLS, a California  
corporation, and LITTLE MISS  
LIBERTY ROUND CRIB COMPANY,  
a Texas corporation, and  
DOES 1 through 50,  
Inclusive.

Defendants.

---

AND RELATED CROSS-ACTION

---

1 AFTERNOON SESSION 1:38 p.m.

2 THE VIDEOGRAPHER: We are back on the record  
3 at 1:38 p.m.

4 EXAMINATION (Continued)

5 BY MR. LOEB:

6 Q Prior to the break, I was asking you some  
7 questions about what you had done with respect to the  
8 Sun computer after it had been shipped to Mr. Mitchell's  
9 residence in Manhattan Beach in January 1999. Had you  
10 told me everything that you had done to the computer  
11 while you were out in California at that time?

12           A           I believe so.

13 Q Okay. And after -- after your visit to  
14 California in January 1999, you went back to Colorado?

15                    A        Yes.

16 Q Okay. When's the next time that you saw the  
17 Sun Ultra 5 computer?

18           A           Physically touched it the next time I saw  
19       Steve, and that was at the Las Vegas show.

20 Q And that was in May of 1999, correct?

21                    A                    Yeah.

22 Q Okay. All right. Between January and the  
23 Las Vegas show in May of 1999, describe for me -- I know  
24 you've done -- this is going to be somewhat repetitive  
25 -- describe for me, though, all the work you did -- you

1 recall doing on the Sun Ultra computer during that  
2 period.

3 MR. CONNER: Overbroad.

4 MR. MEININGER: Yeah.

5 A Okay. I'll answer it at a high level, as  
6 best as I can. Oracle was installed. It's the first  
7 time I'd installed Oracle on a Sun of that size. All  
8 the time I've ever installed Oracle was on a larger  
9 computer, a faster computer, more CPUs and so on. A lot  
10 of time was configuring Oracle to actually work at a  
11 speed -- we were having problems over three months with  
12 the Oracle performance on this machine. And a lot of  
13 tuning was done. It turned out that this particular  
14 server -- it wasn't a server, it was actually considered  
15 by Sun the entry level workstation. It was a server by  
16 definition, but not, as far as Sun is concerned, an  
17 Enterprise class server. They certified that Oracle  
18 will, in fact, run on it, but it will run slow. Oracle  
19 said this. Sun said this.

20 A lot of time was spent trying to figure out  
21 why it wasn't running as fast as it should. The  
22 conclusion was, at some point in the future, as a  
23 production machine, we should go to a larger, faster  
24 Sun.

25 Coding was done with respect to Oracle,

1 Oracle database development. Web site -- I think we  
2 finally moved Little Miss Liberty's Web site to it. I  
3 think it was probably mid -- mid-March when we were  
4 testing the E-commerce side of it because it needed to  
5 connect to the database at some point, but up until  
6 then, it wasn't database -- it didn't have any  
7 requirements on either databases.

8 Two or three times over the five months that  
9 you're talking about, January to March, Sun patches were  
10 installed, security was tightened, code was tested on  
11 it. Java was installed, I think, the beginning of  
12 February, I suspect. Does that answer your question?

13 Q (By Mr. Loeb) You installed the Oracle  
14 software from Colorado?

15 A Steve aided in the installation initially  
16 while I was in California. He put the CD in the CD  
17 tray. I think the initial instance -- the initial  
18 install of Oracle was done while I was in California --

19 Q Okay.

20 A -- and then tuning was done remotely.

21 Q What was -- explain what the tuning is.

22 A As I just alluded, it was running kind of  
23 slow. Initially we thought, Oh, there's not enough  
24 memory, but we didn't know what it was. It was just  
25 kind of slow, not -- as I said, it turned out that it

AGREN REPORTING & VIDEO, INC.  
(303) 296-0017

1     wasn't -- although, I recommended this machine; I  
2     recommended this machine for development purposes. And  
3     it wasn't actually -- actually over time we evaluated  
4     that to put it in production, we would need a larger  
5     machine.

6           Q       Put what in?

7           A       Put anything in production, that this  
8     machine should be used as development.

9           Q       What was slow?

10          A       The response time with Oracle and Java. You  
11     would click on it, and it would take time to respond, as  
12     opposed to instantaneous.

13          Q       You mentioned you did coding on the Sun  
14     Ultra computer. Did you do that from Colorado?

15          A       Other than the initial installation and the  
16     time that I spent in California that week, everything  
17     was done remotely.

18          Q       Explain to me more specifically, what was  
19     the coding that you did on the Sun Ultra?

20          A       There was code needed for the baby registry  
21     product. There was code needed for the MRP project.  
22     There was code needed and tested for Oracle connectivity  
23     with CGIs and Web stuff. Pretty much all Oracle  
24     development, with respect to the Little Miss Liberty  
25     Crib Company projects at -- you know, in general, were

1 all done, in the beginning, on the machine called  
2 Matthew, the Sparc 5. Later it was moved over to the  
3 Ultra 5.

4 Q Okay. So you transferred source code into  
5 the Sun Ultra 5 during this period we're talking about?

6 A During this time period.

7 Q And to your knowledge, did all the source  
8 code that you transferred to the Sun Ultra 5 relate to  
9 work you were doing concerning Little Miss Liberty?

10 A Let me think. I'm trying to remember when  
11 the database itself was actually installed. It was  
12 installed after the time I had left. The database  
13 software and the database itself are two different  
14 things. You understand that Microsoft Word is a program  
15 that allows you to create Word documents? You  
16 understand that?

17 Q No. I don't understand it, but --

18 A Well, let me explain.

19 Q -- I'll just ask the questions, and you give  
20 me the best answers you can.

21 A As best as I can do. Oracle software is a  
22 program just like Microsoft Word is a program. The  
23 Oracle database or databases Oracle software allows to  
24 live. Just like a Word document, without the Word  
25 software, you can't view it. You can't look at it. You



1     need the Word program in order to see a Word document.  
2     Similarly is the case for database and database  
3     projects.

4                 I installed the basic installation of Oracle  
5     with Steve, but we didn't put any databases on his  
6     machine. He went and installed the very large database,  
7     which had, you know, multiple hundreds of tables, if I  
8     remember correctly, which is called -- which I will call  
9     Manhattan Software's schema. And I'll reference that in  
10    questions. Manhattan Software's schema, the baby  
11    registry product and the MRP product are programs  
12    referenced, some of the tables of that big Mahattan  
13    Software database schema. I'll write it down so I  
14    remember to use the same words over and over.

15                Steve installed the big one. I installed  
16    the pieces and accessed and modified those, as he asked  
17    to make changes. But there was a good portion of it in  
18    the database that was on that machine that I never  
19    touched.

20           Q       How do you know that Mr. Mitchell installed  
21    what you referred to as Manhattan Software's schema,  
22    this big database to the Sun Ultra?

23           A       Well, he told me that he was installing this  
24    and that I was to use Table X, Y, and Z for the  
25    different products. We were leveraging existing work to